

COUNCIL CHAMBERS--CITY COUNCIL
 CITY HALL--CITY OF LODI
 Monday, May 8, 1938

The City Council of the City of Lodi met in regular meeting at 6 o'clock p.m. at the date above written. Councilmen Clark, Spooner, and Wieske, present. Councilmen Steele and Keagle absent. On motion of Councilman Clark, Wieske second, Mr. William A. Spooner was elected Mayor pro tem and opened the meeting.

The minutes of the meeting of April 18, 1938 were read, approved as read, and so indorsed by the acting Mayor.

No persons appearing at this time, the order of public hearings was passed and the Council proceeded to hear communications and reports. The report of the Chief of Police for the month of April and that of the City Engineer for the same period were received, read, and ordered filed.

The Clerk read a letter from Glynn and Company regarding the financing of the City's proposed hydro-electric power plant. The communication was ordered filed.

On motion of Councilman Wieske, Clerk second, the action of the City Clerk in instructing the Architect, Joseph Losurdo to proceed with the preparation of the plans for the new armory, was approved.

In the matter of the inspection of securities deposited by local banks as collateral the following resolution was indorsed by Councilman Clark, Wieske second.

RESOLUTION NO. 770

Whereas the City of Lodi has heretofore made a certain safe-keeping arrangement as authorized by Section 4521 of the California Political Code, and Whereas said City may hereafter make similar safe-keeping arrangements;

And whereas the Attorney-General of the State of California has made and rendered his opinion to the fact that, under such safe-keeping arrangements, actual physical delivery of the collateral covering or securing said city's deposits be made to the treasurer of said city for examination and approval by City Treasurer and the City Attorney of said city;

Now, therfore, be it resolved that the City Treasurer of said city be and is hereby authorized and directed, before delivering any bonds or collateral under such safekeeping arrangement, to first receive actual physical delivery of such bonds and collateral for examination and approval thereof by said City Treasurer and the City Attorney of said city, and that such actual physical delivery examination and approval by said City Treasurer and City Attorney be made and had in each instance, as aforesaid.

Be it further resolved that such traveling expenses, and other necessary incidental expenses that may be incurred by the City Treasurer of said city and/or said City Attorney, in carrying out the terms and provisions of this resolution, shall be paid by said City of Lodi or refinanced to said City Treasurer or said City Attorney, who may necessaril, pay the same.

The foregoing Resolution No. 770 was thereupon adopted by the following record vote:

AYES: COUNCILMEN Clark, Wieske, and Spooner
 NAYS: COUNCILMAN Steele
 ABSTINENT: COUNCILMAN Steele, Clark Keagle

A petition signed by several people on East Walnut Street in regard to cows kept by Clinton Powell at 101 East Walnut Street was referred to the City Attorney and City Judge on motion of Councilman Clark, Spooner second.

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In the matter of the abandonment of the alley petitioned for by Adam Hoff the following order was passed and ordered entered into the minutes.

RESOLUTION NO. 768

WHEREAS, this City Council of the City of Lodi did, on the first day of April, 1926, adopt its resolution numbered 762 wherein it declared its intention to abandon a certain alley in Lot 37 of the Lodi Barnhart Tract as petitioned for by Adam Hoff;

AND, WHEREAS, it appears that notice of such intention was regularly posted and published in time, form and manner as required by law as is evidenced by the affidavit of E.C. DOUGHERTY, Street Superintendent of the City of Lodi, who personally posted copies of said notice along the line of said alley, copy on file in the office of the City Clerk of this City, and by the affidavit of CLARK B. RUMFORD, Manager of "THE LODI NEWS", the newspaper of general circulation in which this City Council directed publication of said notice, also filed with said City Clerk;

AND, WHEREAS, more than ten days have elapsed since the last publication of said notice and since the posting of copies of said notice and no objections to the abandonment of said alley have been filed or presented to this City Council or to the Clerk thereof, and this City Council has not acquired jurisdiction to order the abandonment of said alley as a public street or alley;

NOW, THEREFORE, BE IT RESOLVED, that it is to the public interest and benefit that said alley be abandoned and it is hereby ordered that said alley be abandoned. The alley herein abandoned is particularly described as follows:

A portion of Lot 37 of the Lodi Barnhart Tract as said lot is delineated and so designated on that certain map or plat entitled "Lodi Barnhart Tract" filed for record November 5, 1926 and recorded in Vol. 3, Page 48 of Books of Maps and Plats, San Joaquin County Records, being the Northerly ten(10) feet of the following tract of land: Commencing for the same on the intersection of the East line of Washington Avenue with the North line of Vine Street, running thence Easterly on and along the said North line of Vine Street a distance of one hundred thirty (130) feet, running thence Northerly and parallel to the East line of Washington Avenue a distance of two hundred (200) feet, thence Westerly and parallel to the said North line of Vine Street a distance of one hundred thirty (130) feet, to the East line of Washington Avenue, thence Southerly on and along said East Line of Washington Avenue a distance of two hundred (200) feet to the point of beginning of the tract of land herein described.

The foregoing resolution No. 768 was thereupon adopted by the following vote:

YES: WILLIAMS, Wiske, Clark, and Spooner
NOES: COTMAN, BROWN
ABSTIN: CONNELL, MCQUEE, STEELES

The City Attorney reported that a compromise had been reached in the matter of the suit of Earl Fisher Vs. The City of Lodi and Southern Pacific Company for alleged damages growing out of the defective condition of the intersection of Lockeford and Church Streets. Compromise of this suit was directed by the adoption of the following Resolution.

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WHEREAS on December 10, 1934, one Earl Fisher presented to the City of Lodi, and filed with City Clerk of said City, verified claim of Earl Fisher against the City of Lodi in the sum of three thousand eight hundred and thirty-three dollars (\$3,833.00) for damages and personal injuries alleged to have been suffered by said Earl Fisher, growing out of an accident which occurred on October 11, 1934, at or near the intersection of Lockeford Street and Church Street in said City, which claim is based upon the alleged negligent and unsafe condition of said streets;

AND WHEREAS, thereafter, said Earl Fisher commenced suit in the Superior Court of the State of California in and for the County of San Joaquin against the said City of Lodi and Southern Pacific Company, a corporation, for alleged damages growing out of the said accident, which action is numbered 25,705, wherein the said Earl Fisher asks judgment for damages against said City and against said Southern Pacific Company in the total sum of seven thousand five hundred sixty-five dollars (\$7,665.00);

AND WHEREAS, the said Earl Fisher personally and by and through his attorneys in said action, has offered to settle the said claim, suit and action, and to release the said City of Lodi and Southern Pacific Company from all claims of any kind of character mentioned or referred to in said claim, so presented as aforesaid, and mentioned or referred to in said suit or action, and growing out of or in any way connected with the said accident and the said alleged negligent or unsafe condition of said streets, upon the payment by said City to said Earl Fisher of the sum of five hundred dollars (\$500.00), and upon the payment by said Southern Pacific Company to said Earl Fisher of the sum of one thousand two hundred and fifty dollars (\$1,250.00);

AND WHEREAS, the said City Attorney has recommended that the said City Of Lodi accept the said offer and pay to said Earl Fisher the said sum of five hundred dollars (\$500.00), upon the said Southern Pacific Company paying the said Earl Fisher the sum of one thousand two hundred and fifty dollars (\$1,250.00), as aforesaid, and upon the said Earl Fisher releasing the said City of Lodi and the said Southern Pacific Company from all liability, as aforesaid;

NOW, THEREFORE, BE IT RESOLVED, that for the purposes aforesaid, the said claim of the said Earl Fisher, so presented to the said City, as aforesaid, be and the same is hereby allowed and approved in the sum of five hundred dollars (\$500.00) only, and that the City Clerk of said City be and he is hereby authorized and directed to draw a warrant upon the City Treasurer of said City, who is hereby authorized and directed to countersign said warrant upon the City Treasury of said City, in the sum of five hundred dollars (\$500.00) in favor of said Earl Fisher and to deliver the said warrant to the said City Attorney, who is hereby authorized and directed to deliver the same to said Earl Fisher, or to his attorneys in said action, upon the execution and delivery to said City of Lodi and to said Southern Pacific Company of such full and complete release, to be signed, executed, and delivered by said Earl Fisher as aforesaid, and upon the said suit and action being dismissed as fully satisfied and discharged and with prejudice.

BE IT FURTHER RESOLVED, that this resolution is passed and that such settlement and compromise shall be made, as a matter of compromise only, and that this resolution shall not be binding and shall not be evidence in said action, for any purpose, unless the said release and dismissal be made and executed as aforesaid.

The foregoing Resolution No. 769 was thereupon adopted by the following vote:

YEAH: COUNCILMAN: Clark, Little, and Spooener
NAYS: NONE
ABSENT:COUNCILMAN: STEELE, AND KEAGLE

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In the matter of insuring the City against certain damage which would occur to the Lodi and Church Street intersection, was referred to the City Engineer and the City Attorney to work out a plan in cooperation with the Southern Pacific Company.

After considerable discussion in the matter of the title passing to be held on the new army building it was decided to lay the matter over to an ad-hoc meeting to be held in the office of the City Clerk on Wednesday May 3, in order that the Council might procure more accurate information.

It appearing that it was necessary at this time to submit to the expenditure of a portion of the County property tax allocation for the maintenance of that portion of State Highway No. 53 within the city limits, the following Resolution was passed on motion of Councilman Clark, voted second.

Resolution No. 772

RESOLVED, That the City Engineer be directed to pay to the County Auditor for accounting purposes the amount of \$250.00 due him from the State Highway Fund.

WHEREAS, the City of Lodi is required to allot from its share of State Highway taxes, a sufficient amount to properly maintain all state highway routes in the state;

AND WHEREAS, the District State Highway Engineer for this District has submitted an estimate of the necessary costs of maintaining those portions of North Church Street and East Bedford Street lying within the State Highway System, said project statement being numbered M-19 and dated April 19, 1935 and the costs thereof to be deducted from the City of Lodi's appropriations of possible taxes for the state fiscal year 37-38;

BE IT RESOLVED, that the City Clerk and the acting City Engineer be and they are hereby authorized and direct to approve, sign and file said project statement for and on behalf of this city.

The foregoing resolution was whereupon adopted by the following vote:

ABOVE COUNCILMAN, PLATE, WILSON, AND SPENCER
WILSON, CONCURRENCE, VOTE;
ALLEN, CONCURRENCE, RECOMMENDED, AND SPENCE

Mr. Joseph Loskarn, herein referred to as the City Architect, of the City of Stockton, has this evening submitted plans and specifications for the construction of an army building in this City to be erected under the assistance of the State Emergency Relief Administration;

RESOLUTION APPROVING AND APPROVING PLANS AND SPECIFICATIONS FOR AN ARMY BUILDING IN THE CITY OF LODI

WHEREAS, Mr. Joseph Loskarn, Architect, of the City of Stockton, has this evening submitted plans and specifications for the construction of an army building in this City to be erected under the assistance of the State Emergency Relief Administration;

FINDING, that said plans and specifications have been approved and adopted as the plans and specifications used when said building will be constructed; further finding that the estimated cost of the same is \$145,000.00;

BE IT RESOLVED, that the City Clerk be, and he is hereby directed, to publish notices calling for the submission of sealed bids for the furnishing of the materials required for said building such publication to be in time, form and manner as determined by law and notice so to be had in time, upon a date to be determined by the City Clerk, and published in the City and County paper as the newspaper in which said notices will be published.

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The foregoing Resolution No. 773 was adopted by the assenting votes of Councilmen Wiehe, Clark, and Spooner. Councilmen Keagle and Steele absent.

A letter signed by the four Truck Drivers of the Lodi Fire Department asking that their wages be raised to their former level, was ordered to be laid over for further consideration.

Fourteen (14) building permits for structures to cost \$11,945.00 were granted.

Bills in the amount of \$13,384.00 were allowed on motion of Councilman Clark, Spooner second.

Claims No. 83,784, 83795, 83,796 filed by Tex Research Incorporated were disallowed and ordered referred to the City Attorney.

Councilman Wiehe brought up the desirability of concrete walks around the public parks, Stockton and Elm Streets, and an application to the S.E.R.A. was authorized by the adoption of Resolution No. 773.

RESOLUTION NO. 773

RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN APPLICATION FOR APPROVAL OF EMERGENCY RELIEF ADMINISTRATION PROJECT.

WHEREAS, this City Council of the City of Lodi, County of San Joaquin, State of California deems it to be for the best interests of said City that application be made to the State Emergency Relief Administration to do certain work; to-wit:

THE CONSTRUCTION OF CONCRETE SIDEWALKS ALONG THE BORDERS OF THE CITY PARK BOUNDED BY STOCKTON, ELM, WASHIN TON, AND LOCUST STREETS IN SAID CITY IN ACCORDANCE WITH THE PLANS SUBMITTED BY THE ACTING CITY ENGINEER.

and, it is now desired to make application for said project;

NOW THEREFORE, BE IT RESOLVED, that application for said project be so made to the State Emergency Relief Administration for California, and that the Mayor be, and he is hereby authorized to sign said application for and on behalf of said City;

BE IT ALSO RESOLVED, that C.C. HENNING, ACTING CITY ENGINEER of this City be, and he is hereby designated as the person who will supervise said project in the event of its approval by the Emergency Relief Administration.

The foregoing Resolution No. 773 was thereupon adopted by the assenting votes of Councilmen Clark, Wiehe, and Spooner. Councilmen Keagle and Steele absent.

In further extension of the work heretofore undertaken to protect the banks at the Municipal Lake Park, another application was approved whereby the Emergency Relief Administration will furnish the labor to grade and place rip-rap along the lake shores and also to construct and install adequate sewage disposal plant at the same place. This was done by adoption of Resolution 774.

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RESOLUTION NO. 774

RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN
APPLICATION FOR APPROVAL OF EMERGENCY RELIEF
ADMINISTRATION PROJECT.

WHEREAS, this City Council of the City of Lodi, County of San Joaquin, State of California deems it to be for the best interests of said City that application be made to the State Emergency Relief Administration to do certain work or to continue with a project already under way, to wit-

THE GRAVING OR NEWLY TIDED-UP EMBANKMENTS AND THE PLACING OF RIPRAP MATERIALS TO STABILIZE THEM AND PROTECT ALONG THE SHORES OF LODI MUNICIPAL LAW'S PARK, THIS WORK BEING IN ADDITION TO THAT HERETOFORE AUTHORIZED AND UNDERTAKEN IN SAID PARK, AND ALSO THE CONSTRUCTION OF AN URGENT SEWAGE DISPOSAL FACILITIES AT SAID PARK;

and it is now desired to make application for said project;

NOW, THEREFORE, BE IT RESOLVED, that application for said project be so made to the State Emergency Relief Administration for California, and that the Mayor be, and he is hereby authorized to sign said application for and on behalf of this City;

BE IT ALSO RESOLVED, that CLINTON C. HENNING, acting City Engineer of this City be, and he is hereby designated as the person who will supervise the said project in the event of its approval by the Emergency Relief Administration.

The foregoing Resolution No. 774 was adopted by the assenting votes of Councilmen Wiehe, Clark, and Spooner. Councilmen Keagle and Steele, absent.

On motion of Councilman Wiehe, Clark second, the clerk was instructed to purchase a revolving sprinkler at a cost of \$27.50 to be used at the Lawrence Park.

Superintendent of Public Utilities, John Henning, stated that certain palm trees along the property of Sophia Beckman, along South Stockton St. should be removed. The matter was referred to the Acting City Engineer.

The Superintendent of Public Utilities was authorized to make changes in sixteen (16) fire hydrant engine connections according to the recommendations of the Board of Fire Underwriters of the Pacific.

The City Attorney, Glenn West, addressed the City Council in regard to the grant and loan recently reported as received from the Public Works Administrations at Washington, D.C. He stated that apparently nothing could be done at this time on account of the fact that no official notice had been received from Washington, D.C.

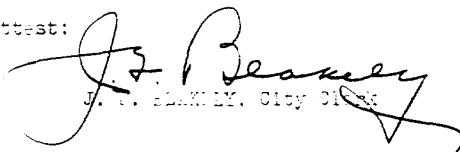
The clerk reported that the County Surveyor had informed him that he could not erect a "Boulevard Stop" sign at the junction of the road from the dump ground with the Woodbridge Road as the latter had never been designated to be a boulevard. The clerk was instructed to see if a sign reading "Caution, Intersection" could not be put up at this point and also call the County Surveyor's attention to the dangerous condition of the spur track crossing the Woodbridge Road immediately West of the subway.

After discussing the matter of placing a blind street sign on the West end of the 510 block of Maple Street, the condition now prevailing at the city dump ground, and the fact that people were throwing trash from private lots on the street, had required a great deal of labor to remove

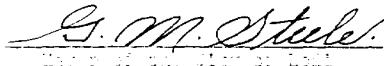
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the Council adjourned to 6 o'clock p.m. of Wednesday, May 8 to meet in the office of the City Clerk at that time for consideration of the tile roof of the armory building.

Attest:


J. F. BLAKELY, City Clerk

In witness whereof, I have signed this day
of May, 1935, at the office
of the City Clerk, of the
City of Lodi, California,
and in the name of the
City Council, of the
City of Lodi, California,


G. M. Steele
May 8, 1935, City of LodiLodi, Calif.

Wednesday May 8, 1935

On agreement with Councilmen Wiske, Spooner, and Clark the adjourned meeting to be held on this date was indefinitely postponed as it appeared that the information desired could not be presented at this time.

Attest:


J. F. BLAKELY, City Clerk